

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE: TRICOR INDIRECT PURCHASER	)	C.A. No. 05-360 (KAJ)
ANTITRUST LITIGATION	)	(Consolidated)
_____	)	
	)	
THIS DOCUMENT RELATES TO:	)	Hon. Kent Jordan, U.S.D.J.
PACIFICARE HEALTH SYSTEMS, INC.	)	
C.A. No. 05-591 (KAJ)	)	

**PACIFICARE HEALTH SYSTEMS, INC.'S UNOPPOSED MOTION TO FILE ITS  
ANSWERING BRIEF IN RESPONSE TO DEFENDANTS' MOTION TO DISMISS  
UNDER SEAL**

Plaintiff PacifiCare Health Systems, Inc. ("PacifiCare") hereby moves to have its Answering Brief in Response to Defendants' Motion to Dismiss filed under seal. In support of this motion, PacifiCare states as follows:

1. Defendants have moved to dismiss PacifiCare's Amended Complaint. This Honorable Court previously granted PacifiCare's motion to file its Amended Complaint under seal because the Amended Complaint contains information designated by Defendants as highly confidential and produced to PacifiCare pursuant to Local Rule 26.2.

2. PacifiCare's answering brief necessarily discusses the allegations in its Amended Complaint, some of which involve allegations related to the highly confidential information produced to it by Defendants. To prevent public disclosure of what Defendants consider to be highly confidential information, PacifiCare respectfully requests that its Answering Brief in response to defendants' motion to dismiss be filed under seal.

3. Counsel for PacifiCare has conferred with counsel for Defendants and Defendants to not oppose the motion.

Respectfully submitted,

MURPHY SPADARO & LANDON

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ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

This is to certify that on this the 30<sup>th</sup> day of November, 2005, a true and correct copy of the above and foregoing PacifiCare Health Systems, Inc.'s Motion to File its Answering Brief in Response to Defendants' Motion to Dismiss Under Seal was electronically filed with the Clerk of Court using CM/ECF which will send notification of the filing to all counsel of record.

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